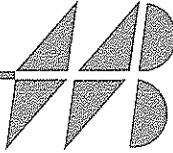


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*Please reply to Hackensack*

May 14, 2009

Honorable William J. Martini, U.S.D.J.  
U.S. District Court - District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

**Re: My Way Productions 2, Ltd., et al. v. Z&M Media, LLC, et al.**  
**Civil Action No. 09-1643 (WJM)**  
**Our File No. 2009.90432**

Dear Judge Martini:

This firm has been recently retained by Z&M Media, LLC and Hip Hop Global Media, LLC (collectively referred to as "Hip Hop Global"). This matter is before your Honor on a return date of an Order to Show Cause on May 14, 2009. While I understand that the hearing is proceeding today, I ask that additional time be allowed to submit additional papers. In the event the Court is inclined to decline this request, I am submitting this letter brief in opposition to the preliminary injunction application of plaintiff My Way Productions 2, Ltd. ("My Way").

## **PRELIMINARY STATEMENT**

My Way asserts that the Court should enter a preliminary injunction removing David Mays ("Mays") and Raymond Scott ("Scott"), allowing a third party to come in and run the company and prohibiting any compensation, withdrawals or transfers by Mays and Scott from the Hip Hop Global Parties. The relief being requested by My Way would be the death knell and cause the demise of Hip Hop Global.

Honorable William J. Martini, U.S.D.J.  
May 14, 2009  
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Mays and Scott formed and have run Hip Hop Global since its formation in or about 2006. Mays is an accomplished and recognized publisher in the hip hop community. Previously, Mays was the founder of *The Source Magazine*. Mays, a Harvard University undergraduate, invested \$200.00 to start a newsletter promoting his weekly hip hop radio show and then ten (10) years later turned it into *The Source Magazine*, a hot newsstand title and centerpiece of a \$20 Million Dollar publishing and merchandising venture. He grew magazine revenues to 74% in one year to \$12.8 Million Dollars. Ultimately, he launched *Hip Hop Weekly*, which is the world's first weekly hip hop magazine. I annex hereto as Exhibit A a copy of internet articles on Mays providing his background and success in the hip hop publishing industry.

Mays' recognition with regard to his contributions to the hip hop industry include some of the following:

- *GQ Magazine's* 50<sup>th</sup> Anniversary Issue in October 2007 called "*The Source* - one of 27 things that change men's lives over the last 50 years, stating "rarely has a magazine played a more dynamic role in the culture."
- *Details Magazine* named Mays as one of the 50 most influential men under 37 in its October 2002 issue.
- In October 2007, *Hip Hop Weekly* was recognized by the prestigious MIN awards as one of the top 50 new magazines of the year, out of more than 700 startups.

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Mays and Scott's contributions to Hip Hop Global cannot be tarnished by the specious allegations of My Way. Mays and Scott worked long and arduous hours, sometimes in excess of 18 hour days, for the benefit of Hip Hop Global. Mays has also enlisted the services of his mother to assist with Hip Hop Global. Mays' mother does not receive any compensation and works for free for Hip Hop Global.

Mays has provided regular reporting to My Way regarding the business and its progress. In fact, all of the financial data that is now relied upon by My Way claiming that there is misuse and misappropriation of funds was given as part of reports to My Way from the inception of the company. In fact, Michael Misick and his spouse, owners of My Way, designated Brenda Hunter as the personal financial advisor who was appointed to be the recipient of the financial information through the years, which included the bank statements. All of the financial information was always provided to Ms. Hunter by Mays and Scott. At no time were there ever any complaints as to the use of funds or cash withdrawals. In fact, My Way is fully aware of how the business runs and the use of cash with various vendors and contractors in producing the *Hip Hop Weekly* is common in the business and practice.

Many of the examples of financial mismanagement provided by My Way are simply misguided and incorrect. For example, the compensation due to Mays and Scott under the employment agreements provides for \$28,400.00 per month from Hip Hop Global. My Way is confusing and intertwining many withdrawals with this just, due and appropriate compensation to Mays and Scott. In fact, the \$95,258.00 and \$17,458.00 noted by My Way as improper

Honorable William J. Martini, U.S.D.J.  
May 14, 2009  
Page 4

payments to non-company account adds up exactly to the compensation due to Mays and Scott for the period in question.

The current success of *Hip Hop Weekly* has been attained with minimal capital investment of just over a million dollars. This is rather a remarkable accomplishment and is the result of the entrepreneur ingenuity and efforts of Mays and Scott.

My Way makes issues on pages 4 through 6 of its reply brief noting various entries through the years that it claims are evidence of misuse and misappropriation of company funds. These bare statements are simply false and not true. For instance, in Item A, My Way claims that there was a total of \$26,100.00 in cash withdrawals in September 2006. These are cash withdrawals that were done over an approximate 30 day period and were done as alluded to by David Mays in his certification submitted to the Court to pay the business expenses of *Hip Hop Weekly*. These business expenses include paying vendors and contractors that do work for *Hip Hop Weekly*, providing food for workers and other related benefits that in Mays' and Scott's business judgment were necessary to produce *Hip Hop Weekly* in a cost-effective fashion and in the best way possible. In fact, Mays and Scott work out of a home, not an office, to save on expenses. When contractors come in to perform work and services, Mays and Scott, in using their business judgment, buy lunch and provide other perks to the workers for reduced payments. Accordingly, the references by My Way in Section DD of its outline of alleged misappropriations indicate charges of approximately \$12,000.00 over a two (2) year period to many of these locations where these personal items and benefits were provided and purchased

Honorable William J. Martini, U.S.D.J.  
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are incorrect. There is simply nothing improper or inappropriate with regard to these issues and, in fact, the Misicks never complained and had this information for over two (2) years until recently - now filing the Order to Show Cause.

There is reference in C regarding a \$95,258.00 and then \$17,458.00 as transfers to a Bank of America account that does not belong to Z&M Media. Obviously, as noted before, this was Mays and Scotts compensation of \$28,000.00 per month as allowed under the employment agreements. Again, this is not evidence of any mischief or wrongdoing but is easily explained as to proper compensation being paid to Mays and Scott.

My Way proceeds to go through a series of cash withdrawals in various months in 2006 and 2007. Again, the business is run with the use of payment of cash to contractors and vendors as a way to facilitate the development of the business. All these payments are substantiated and can be further proven and established by Mays and Scott as proper and appropriate business expenses.

Mays and Scott can respond to each and every item raised by My Way. However, due to time limitations and the hearing scheduled before the Court, this cannot be done at this time. If necessary and needed by the Court, Mays and Scott will do this.

The Hip Hop Global parties wish to preserve their continuity and success to date and to continue its growth. In order to do this, the relief being requested by My Way must be rejected.

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## **ARGUMENT**

### **I. MY WAY HAS FAILED TO DEMONSTRATE ANY IRREPARABLE HARM.**

It is hornbook law that under standards for an injunction, irreparable harm must be demonstrated for an injunction to issue. The injunction being sought is a mandatory injunction, which requires the highest level of proof or issuance. My Way is not seeking to maintain the status quo but rather to essentially obtain a victory on a preliminary injunction. This victory would be costly in that the demise of the company would result and the only irreparable harm would be to Mays and Scott.

There is no claim or allegation by My Way that Scott and Mays are judgment proof or otherwise insolvent. In fact, there is no evidence before the Court to indicate that any reported monetary judgment that may be obtained by My Way would not be enforceable and collectible assuming any of the claimed misappropriations are true or accurate which are clearly not. At best, My Way has a claim for monetary relief for purported expenditures that are not consistent with an operating agreement or business expenses. Under the federal standards requiring irreparable harm, My Way cannot and has not established that its claim is anything other than monetary; therefore, the preliminary injunction request should be denied.

### **II. THE RECORDS OF *HIP HOP WEEKLY* ARE AVAILABLE FOR REVIEW.**

My Way has misstated and misrepresented that the records of the Hip Hop Global parties have not been made available. Once I was retained on this matter, I contacted My Way's counsel to arrange for the review of the Hip Hop Global parties records as provided for in the Court's

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temporary restraining order. I requested for an acknowledgment that the financial records would not be disseminated since it is apparent that My Way's objection is to destroy Hip Hop Global and the dissemination of its financial data to third parties and the public would not be in Hip Hop Global's interest. After much back and forth and communication, My Way has agreed to this very simply request. I am in the process of attempting to schedule the inspection immediately for My Way. I annex hereto as Exhibit C a copy of the e-mails between counsel on this issue.

**III. THE INFORMATION ON MICHAEL MISICK'S  
CRIMINAL ACCUSATIONS ARE RELEVANT AND  
SHOULD BE CONSIDERED BY THE COURT IN THE  
CONTEXT OF THIS PENDING APPLICATION BEFORE  
THE COURT.**

My Way's claims that the criminal allegations that have been lodged against Misick for corruption are not germane. I am enclosing herewith as Exhibit B a copy of a biography and publication found on the internet regarding Michael Misick. As contained in the attached, in 2008, the foreign affairs committee of the British Members of Parliament conducting a routine review of the administration received several reports of high level official corruption in the Turks & Caicos. The report charged Misick, who allegedly had built up a multi-million dollar fortune since he was elected in 2003, declared assets of only \$50,000.00. The allegations go on to state that he sold off Crown land to fund his investments. There has been an appointment of a commissioner of Enquiry into the corruption charges on July 10, 2008 by the government and the government was suspended on March 16, 2009. It is quite ironic that Michael Misick is claiming misappropriation of funds when these very allegations have been lodged against him which are under investigation. Certainly, issues of credibility and otherwise are an issue in this matter and

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there has always been open reporting to My Way and any claims to the contrary should be rejected. These issues all go to the success on the merits of arguments which are questionable at best mandating rejection of the relief being requested by My Way.

**CONCLUSION**

For the foregoing reasons, the Hip Hop Global parties request that the preliminary injunction application of My Way be denied in its entirety.

Respectfully submitted,

/s/Patrick Papalia

PP/js



**EXHIBIT “A”**

# David Mays

From Wikipedia, the free encyclopedia

**David Mays** is a pioneer in the field of Hip Hop journalism. Dave Mays has created numerous hip hop magazines throughout his career. He co-founded *The Source* magazine, and Hip Hop Weekly Magazine.

David Mays started The Source Magazine in 1988 as a single sheet newsletter while a Harvard undergraduate. By the time he graduated, he had built The Source into a national magazine. While hosting the Boston area's first rap music program on the Harvard radio station, Mays met Ray Scott, a local musical performer and producer, who eventually became his partner at The Source. Scott's roots in the hip hop community kept the message authentic. From the early days, the team had the vision to see that hip hop would become the cultural touchstone of their generation, just as rock and roll was for the previous generation. They set out to make The Source become the Rolling Stone of the '90s. The Source became the largest selling music magazine on newsstands in the U.S., outselling even its model, Rolling Stone, on the stands.

Mays and Scott used their business acumen to build a stable of media companies around the Source brand, including a record label, mobile content downloads and a clothing line. They produced a talk show, a talent showcase and several seasons of The Source Hip Hop Music Awards, some of the highest rated TV specials for a hip-hop audience ever.

GQ Magazine's 50th anniversary issue (October 2007) called The Source one of the "27 Things that Changed Men's Lives" over the last 50 years—along with the remote control, Nintendo, Viagra and the Pill, text messaging and ESPN's SportsCenter: "Rarely has a magazine played a more dynamic role in the culture it reflected than the hip-hop rag The Source. Throughout the '90s, the magazine had the first and last word in rap: No artist was A-list until he got a cover; unknown MC's got recording contracts off appearances in the "Unsigned Hype" column; new albums lived and died by the number of mikes they were awarded in the reviews....At its peak it was groundbreaking, messy, powerful, and controversial—just like hip-hop."

Details Magazine named David Mays one of the 50 most influential men under 37 in its October 2002 issue.

In January 2007 David Mays and Ray Scott founded Hip Hop Weekly, the first celebrity magazine directed to a hip-hop loving audience. Hip Hop Weekly has grown steadily since its inception. It is carried by major newsstands, bookstores, superstores, drugstore chains and convenience stores like Seven-Eleven, where it consistently sells in the top 20% out of 60 publications carried by the chain. In October 2007 Hip Hop Weekly was recognized by the prestigious MIN Awards as one of the top 15 new magazines of the year, out of more than 700 startups.

Hip Hop Weekly is a groundbreaking product that brings its readers fresh, exciting and relevant content on a consistent basis, including the latest news and information on film, TV, music, current events, fashion, sports and celebrity lifestyles. HHW's unique celebrity weekly-format and 26x frequency have made it the #1 news and entertainment source for young adults.

Dave Mays is currently in talks with various book publishers to release his book based on his

experiences as co-founder of The Source magazine.

- [1] (<http://www.foliomag.com/2009/hip-hop-weekly-doubles-retail-distribution>) Hip Hop Weekly Doubles Retail Distribution
- [2] (<http://www.brightcove.com/title.jsp?title=881376753>) Mays and Benzino talk about Hip Hop Weekly

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Categories: Year of birth missing (living people) | Living people | Music journalists | Harvard University alumni | Business biography stubs

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## David Mays, 29

**The Source**

**Publisher**

WHERE IS DAVID MAYS NOW?

[40 Under 40](#) > [1998](#) > David Mays

[Email to a friend](#) | [« Previous](#)

The story of how a nice Jewish boy from Washington, D.C., became the arbiter of hip-hop is a textbook case on marketing mixed with a labor of love.

As a Harvard University undergraduate, David Mays invested \$200 to start a newsletter promoting his weekly hip-hop radio show. Ten years later, it has turned into The Source, a hot newsstand title and the centerpiece of a \$20 million publishing and merchandising venture.

"I started The Source out of my passion for black music and culture," says Mr. Mays, who wears the uniform of the hip-hop generation: baggy clothes, a diamond stud earring and a crew cut. "That's what made it successful."

Advertising revenues at the magazine grew a whopping 74% in 1997, to \$12.8 million. Although its circulation lags that of competitors Vibe, Spin and Rolling Stone, The Source is the best-selling music title at newsstands, according to the Audit Bureau of Circulations.

The numbers have given Mr. Mays enough confidence to try new publications, including The Source Sports, hipper Sports Illustrated."

He will soon launch a Source merchandising business, selling products that include hats and T-shirts.

Mr. Mays' entrepreneurial instincts go way back. As a grade-schooler, he sold lemonade and then ran a lawn that had more than 50 customers who paid \$10 or \$20 a pop.

Increase your  
effectiveness

Web News Rel

- ✓ Drive traffic to your Web
- ✓ Increase online sales
- ✓ Search Engine Optimizer
- ✓ Reach a potential

**GET STARTED**

# Hip Hop Weekly Magazine

From Wikipedia, the free encyclopedia

Benzino and Dave Mays, the founders of The Source Magazine, launched their new magazine Hip Hop Weekly on newsstands on Oct 16, 2006. It is the world's first weekly hip hop magazine. The magazine was launched in high glossy form on Jan 2007. **Hip Hop Weekly Magazine** was recognized by the prominent MIN Awards as one of the 15 top new magazines of the year, beating more than 700 new magazines.

The magazine features major contributions from some the best known writers and radio hosts in hip hop. Such as Wendy Williams and Star who both have their own weekly columns in the magazine. Hip Hop Weekly is sold mainly at super markets, air ports and convenience stores. As well as traditional major news-stands and book stores.

Retrieved from "[http://en.wikipedia.org/wiki/Hip\\_Hop\\_Weekly\\_Magazine](http://en.wikipedia.org/wiki/Hip_Hop_Weekly_Magazine)"

Categories: Magazine stubs

Hidden categories: Orphaned articles from February 2009 | All orphaned articles | Articles lacking sources from April 2008 | All articles lacking sources | All articles with unsourced statements | Articles with unsourced statements since April 2008

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**EXHIBIT “B”**

# Michael Misick

From Wikipedia, the free encyclopedia

**Michael Eugene Misick** (born February 2, 1966) was the chief minister of the Turks and Caicos Islands from 15 August 2003 to 9 August 2006 and was the first Premier of the Turks and Caicos Islands from 9 August 2006 to 23 March 2009.

Misick is a member of the liberal Progressive National Party (PNP), and became chief minister when his party, after eight years as the opposition party, gained two parliamentary seats in by-elections. In addition to being premier, he was also the minister for Civil Aviation, Commerce and Development, Planning, District Administration, Broadcasting Commission, Tourist Board, Turks and Caicos Investment Agency, and Tourism.

Several other members of Misick's family have been politicians in the Turks and Caicos Islands, and important leaders in the PNP. Washington Misick, his brother, is a former chief minister and leader of the PNP.

## Contents

- 1 Biography
- 2 Political career
- 3 Controversies
  - 3.1 Assault accusation
  - 3.2 Corruption allegations
- 4 Resignation
- 5 References

## Biography

Born in Bottle Creek, North Caicos, Misick is the last child of Mr. and Mrs. Charles Misick. He received his foundation education in North Caicos, and then furthered it at the Turks and Caicos High School (Helena Jones Robinson High School), the Miami Lakes Technical Institute (where he graduated with a certificate in Business Studies), and the University of Buckingham (LLB, Hons. Bachelor of Law). Misick is a Barrister at Law of England and Wales and an Attorney at Law of Turks and Caicos Islands. He is a member of the Honourable Society of Lincoln's Inn.

Misick spent several years in the private sector where he was sales manager for Prestigious Properties Ltd. from 1984 to 1986 and managing director from 1986 to 1988. From 1988 to 1991 he was chairman and CEO of Paramount Group of Companies, a property and financial services company.

### Michael Misick

#### Premier of the Turks and Caicos Islands

##### In office

August 9, 2006 – 23 March 2009

**Preceded by** Derek Hugh Taylor

**Succeeded by** Galmo Williams<sup>[1]</sup>

**Born** February 2, 1966  
Bottle Creek, North Caicos

**Political party** Progressive National Party

**Spouse** LisaRaye McCoy

**Religion** Christianity



It is reported that the Misicks are to be divorced. A statement released to the press by Premier Misick on August 12 2008 stated: "I am announcing that I am separated from LisaRaye McCoy-Misick, I am committed to dissolving the marriage amicably. I believe that this is a private matter and will have no further comments. I hope that our privacy will be respected."<sup>[2]</sup>

December 15, 2008 Misick was asked to step down by nine members of his party. On the 23rd March 2009 he resigned, a week earlier than expected. The UK Foreign Office said it would suspend the constitution and give control to Governor Gordon Wetherell.<sup>[3]</sup>

## Political career

Misick was first elected to the Legislative Council in 1991, when he became Minister of Tourism, Transportation and Communications. He was re-elected in 1995. In March 2002 he was elected leader of the then opposition PNP thus succeeding Washington Misick. In the April 2003 general elections, Misick's party won 6 out of the possible 13 seats in the legislature. The successful petitioning and winning of by-elections held in two constituencies resulted in Misick being sworn in as Chief Minister of the Turks and Caicos Islands on 16 August 2003. On 7 January 2007, Misick called for general elections on 9 February. The PNP won 13 of the 15 seats, making it one of the most lopsided election results in the Turks and Caicos Islands.

## Controversies

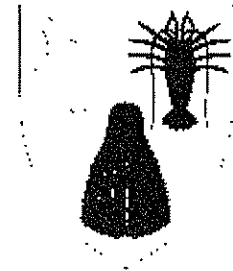
### Assault accusation

In April 2008, Misick became the focus of a criminal investigation after a woman identified by news outlets as an American citizen residing in Puerto Rico accused him of assaulting her sexually on 27 March.<sup>[4]</sup> On 10 April, Misick issued a videotaped statement forcefully rejecting the charge, stating: "I strongly and categorically deny these false allegations.... I am confident that I will be completely and fully exonerated of these false and outrageous allegations."<sup>[5]</sup> According to Turks and Caicos authorities, the charges are being investigated by local police and the American FBI.<sup>[4]</sup>

### Corruption allegations

In 2008, a Foreign Affairs Select Committee of British Members of Parliament conducting a routine review of the administration in British Overseas Territories received several reports of high level official corruption in the Turks and Caicos.<sup>[6]</sup> Their report charged that Misick, "who is alleged to have built up a multi-million dollar fortune since he was elected in 2003 when he declared assets of only \$50,000 (£25,000)," enriched himself and fellow ministers "by selling off Crown land to fund current investment."<sup>[6]</sup> In response, the British-appointed Governor of the Turks and Caicos Islands Richard Tauwhare announced the appointment of a Commission of Enquiry into corruption on 10 July 2008.<sup>[7]</sup>

#### Turks and Caicos Islands



This article is part of the series:  
**Politics and government of  
the Turks and Caicos Islands**

- Governor
  - Gordon Wetherell
- Premier
  - Galmo Williams
- House of Assembly
- Political parties
- Elections: 2007

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While the investigations were underway, Governor Gordon Wetherell suspended self-government in the islands<sup>[8]</sup> on 16 March 2009.

## Resignation

Misick, who has denied any wrongdoing, resigned on 23 March 2009 after an investigation found "clear signs of corruption" in Turks and Caicos<sup>[9]</sup>. The departure of the premier occurred a week earlier than expected<sup>[10]</sup>.

## References

1. ^ New Turks and Caicos premier sworn in (<http://www.jamaica-gleaner.com/gleaner/20090324/lead/lead8.html>), 23 March 2009, Jamaica-Gleaner daily newspaper
2. ^ "Taking Names" (<http://washingtontimes.com/news/2008/aug/18/taking-names-2630472/>). The Washington Times. 2008-08-18. <http://washingtontimes.com/news/2008/aug/18/taking-names-2630472/>. Retrieved on 2008-08-29.
3. ^ <http://news.bbc.co.uk/1/hi/world/americas/7960426.stm>
4. ^ *a b* "Turks and Caicos premier faces rape investigation; calls allegations 'outrageous'." (<http://www.iht.com/articles/ap/2008/04/16/news/CB-GEN-Turks-and-Caicos-Premier-Accused.php>) *International Herald Tribune*. 16 April 2008. Retrieved 1 August 2008.
5. ^ Anthony Hall. "Commentary: TCI Premier Michael Misick accused of rape! (Updated)." (<http://www.caribbeanetnews.com/news-7142--6-6--.html>) Caribbean Net News. 11 April 2008.
6. ^ *a b* Nick Meo. "Turks and Caicos: MPs criticise 'climate of fear' on luxury holiday islands." (<http://www.telegraph.co.uk/news/worldnews/centralamericaandthecaribbean/turksandcaicosislands/-and-Caicos-MPs-criticise-climate-of-fear-on-luxury-holiday-islands.html>) *The Telegraph*. 6 July 2008. Retrieved 1 August 2008.
7. ^ "TCI Governor appoints Commission of Enquiry." (<http://www.caymannetnews.com/news-8589--1-1---.html>) Cayman Net News. 14 July 2008. Retrieved 1 August 2008.
8. ^ Turks and Caicos PM quits amid corruption probe (<http://www.google.com/hostednews/afp/article/ALeqM5jCd5qm03qVylFlccSbr4rAstETGA>), AFP, published and accessed 24 March 2009
9. ^ Independent (<http://www.independent.co.uk/news/world/americas/turks-and-caicos-pm-quits-after-corruption-inquiry-1652674.html>), Turks and Caicos PM quits after corruption inquiry, published and accessed on 24 March 2009.
10. ^ TCI Premier Resigns (<http://www.jonesbahamas.com/news/45/ARTICLE/19461/2009-03-24.html>), The Bahama Journal, published and accessed 24 March 2009.

Preceded by <b>Derek Hugh Taylor</b>	<b>Chief Minister of the Turks and Caicos Islands</b> 2003–2006	Succeeded by <b>Position abolished</b>
Preceded by <b>New position</b>	<b>Premier of the Turks and Caicos Islands</b> 2006–2009	Succeeded by <b>Galmo Williams</b>

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Categories: Living people | 1966 births | Chief Ministers of the Turks and Caicos Islands | Premiers of the Turks and Caicos Islands | Turks and Caicos Islands politicians | Turks and Caicos Islands Christians  
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**EXHIBIT “C”**

## Patrick Papalia

---

**From:** Patrick Papalia  
**Sent:** Thursday, May 14, 2009 9:26 AM  
**To:** 'C. Anthony Mulrain'  
**Cc:** 'bhumphreys@wcmolaw.com'  
**Subject:** Mays-My Way

Dear Anthony:

I am fine with setting up a time for the review; I would like you to provide me with signed written acknowledge as to your promise below as to the disclosure of the information from the reviewing parties. To the extent the information will be provided to your client then I will need the same written acknowledgement. As you know this is a routine and standard process when a company's financial data is at issue. Please send this immediately and I can arrange to have you review the records as you desire.

Please advise of time for tomorrow and who will be present at the inspection. I am leaving for court shortly so if you need me please call me on my cell (201)-675-0076 so we can set up your review. Otherwise, I am still here and you should feel free to call me. I did call you yesterday to work this out and you never returned my call.

Patrick Papalia, Esq.  
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**From:** C. Anthony Mulrain [<mailto:AMulrain@ebglaw.com>]  
**Sent:** Thursday, May 14, 2009 8:49 AM  
**To:** Patrick Papalia  
**Cc:** bhumphreys@wcmolaw.com; Jeffery R. Saxby; James P. Flynn  
**Subject:** Re: Mays-My Way

Dear Patrick,

My way does intend to have its accountants review the books right away. This denial of My Way's Rights has gone on for quite long enough. But in response to your question, My Way has no intentions upon disclosing

5/14/2009

information that it secures from the audit to third parties. That said, My Way also does not intend to be burdened by conditions that have not been imposed by the Court. If you would like to apprise the Court that you have delayed the rights afforded My Way by the TRO, that is totally your call.

Shall I tell my accountants that they can begin examine the business records tomorrow ?

Tony

**C. ANTHONY MULRAIN** | [Bio](#)  
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## EPSTEINBECKERGREEN

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(404) 923-9000 (MAIN) | [WWW.EBGLAW.COM](http://WWW.EBGLAW.COM)

*Think Green. Please consider the environment before you print this message. Thank you.*

**From:** Patrick Papalia  
**To:** C. Anthony Mulrain  
**Cc:** bhumphreys@wcmolaw.com  
**Sent:** Thu May 14 04:50:41 2009  
**Subject:** Re: Mays-My Way  
Dear Tony:

I am not suggesting that there are conditions. Are you suggesting that your experts and clients wish to publish the financial data of the companies to third parties unrelated to the action? If so I do need to bring this to the court's attention.

As to timing please let me know what works for your experts and I will coordinate it. It would be best if the bookkeeper for the company is available during the inspection, if you wish to forego this just say so.

Regards, Patrick.  
Sent via BlackBerry by AT&T

**From:** "C. Anthony Mulrain"  
**Date:** Wed, 13 May 2009 22:45:09 -0400  
**To:** Patrick Papalia<ppapalia@hertenburstein.com>  
**Subject:** RE: Mays-My Way  
Patrick,

Thank you for your email. However, I am a bit confused. Are you suggesting that there are conditions to Z&M and HHG's compliance with the TRO ?

Tony

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## EPSTEINBECKERGREEN

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5/14/2009

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*Think Green. Please consider the environment before you print this message. Thank you.*

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**From:** Patrick Papalia [ppapalia@hertenburstein.com]  
**Sent:** Wednesday, May 13, 2009 4:27 pm  
**To:** C. Anthony Mulrain  
**Cc:** bhumphreys@wcmolaw.com  
**Subject:** Mays-My Way

Dear Anthony:

I have not heard from you on below; please confirm you have received my email and if you wish to proceed with review.

Patrick Papalia, Esq.  
Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC  
Court Plaza South  
21 Main Street  
Hackensack, New Jersey 07601  
(201) 342-6000 Ext. 204  
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**From:** Patrick Papalia  
**Sent:** Tuesday, May 12, 2009 10:44 AM  
**To:** 'AMULRAIN@EBGLAW.COM'  
**Cc:** 'bhumphreys@wcmolaw.com'  
**Subject:** Mays-My Way

Dear Anthony:

My firm has been retained by the corporate defendants. I understand you wish to have access to the business records in accordance with the temporary restraining order. These records are available for you this week as you requested; prior to the review I will ask that you provide me with a stipulation or agreement acknowledging that the information will not be utilized for anything else other than this litigation and will not be disseminated to third parties especially the press or public. Please provide this and we can arrange for your access. On a scheduling note the review needs to take place at 6:00 p.m. since the bookkeeper for the corporate defendants works another fulltime job and is only available after 5:00.

5/14/2009

Regards,

Patrick Papalia, Esq.  
Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC  
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Hackensack, New Jersey 07601  
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5/14/2009